

SUMMONS - CIVIL

JD-CV-1 Rev. 6-11

C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1**STATE OF CONNECTICUT
SUPERIOR COURT**
www.jud.ct.gov

See page 2 for instructions

- ☐ "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- ☒ "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- ☐ "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE
STATE OF CONNECTICUT, you are hereby
commanded to make due and legal service of
this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code)
(C.G.S. §§ 51-346, 51-350)

123 Hoyt Street, Stamford, CT 06905

Telephone number of clerk (with
area code)

(203) 965-5308

Return Date (Must be a Tuesday)

August 16, 2011
Month Day Year☒ Judicial District

G.A.

☐ Housing Session

Number:

At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349)

Stamford/Norwalk

Case type code (See list on page 2)

Major: T Minor: 90

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code)

Emmett & Glander, 45 Franklin Street, Stamford, CT 06901

Juris number (to be entered by attorney only)

401963

Telephone number (with area code)

(203) 324-7744

Signature of Plaintiff (If self-represented)

Number of Plaintiffs: 1

Number of Defendants: 2

☐ Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: Ernie Orgera, 88 Gaymoor Drive, Stamford, CT 06907 Address:	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: Joseph Tarzia, 310 Soundview Avenue, Stamford, CT 06902 Address:	D-50
Additional Defendant	Name: Joseph P. Sargent, 80 Rippowam Road, Stamford, CT 06902 Address:	D-51
Additional Defendant	Name: Address:	D-52
Additional Defendant	Name: Address:	D-53

Notice to Each Defendant

1. YOU ARE BEING SUED. This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
2. To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
3. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
4. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
5. If you have questions about the Summons and Complaint, you should talk to an attorney quickly. The Clerk of Court is not allowed to give advice on legal questions.

Signed (Sign and "X" proper box)

☒ Commissioner of the
Superior Court
☐ Assistant Clerk

Name of Person Signing at Left

Kathryn Emmett

Date signed

07/19/2011

If this Summons is signed by a Clerk:

- a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.

I certify I have read and
understand the above:

Signed (Self-Represented Plaintiff)

Date

Name and address of person recognized to prosecute in the amount of \$250

Ernest F. Teltell, 184 Atlantic Street, Stamford, CT 06901

Signed (Official taking recognizance, "X" proper box)

☒ Commissioner of the
Superior Court
☐ Assistant Clerk

Date

07/19/2011

Docket Number

A TRUE AND ATTESTED COPY
ATTEST:ANTHONY D. VERRICO, STATE MARSHAL
FAIRFIELD COUNTY, CONNECTICUT

RETURN DATE: AUGUST 16, 2011

ERNIE ORGERA	:	SUPERIOR COURT
V.	:	J.D. OF STAMFORD/NORWALK
JOSEPH TARZIA	:	AT STAMFORD
and	:	
JOSEPH P. SARGENT	:	JULY 19, 2011

COMPLAINT

PARTIES

1. The plaintiff Ernie Orgera is a resident of the City of Stamford and the State of Connecticut.
2. The defendant Joseph Tarzia is a resident of the City of Stamford and the State of Connecticut.
3. The defendant Joseph P. Sargent is a resident of the City of Stamford and the State of Connecticut.

PRELIMINARY STATEMENT

4. Plaintiff Ernie Orgera brings this action to seek redress against defendant Joseph Tarzia for bringing a vexatious lawsuit with malice and without probable cause against plaintiff and for abuse of process in pursuing a lawsuit against plaintiff with the primary and illegitimate purpose of preventing or discrediting his testimony as a witness in two ethics complaints brought against defendant Tarzia and then retaliating against him for testifying at a hearing on one of the complaints. Plaintiff brings this action against defendant Joseph P. Sargent, Joseph Tarzia's attorney, for bringing a vexatious lawsuit against plaintiff without probable cause.

FACTUAL BACKGROUND

5. Plaintiff Ernie Orgera is the Director of Operations for the City of Stamford.
6. Plaintiff began working for the City of Stamford in 1970 as a Police Officer. In

1981, plaintiff was promoted to Police Armorer, a Sergeant grade position.

7. Plaintiff retired from the Police Department in 1990 and, since that time, has continued working for the City of Stamford.

8. From 1990 to December 2009, plaintiff held the position of Traffic Maintenance Supervisor, later designated as Operations Supervisor; plaintiff was then promoted to Traffic Maintenance & Parking Supervisor, and, in 2008, was promoted again to Traffic & Road Maintenance Supervisor.

9. When Michael Pavia became Mayor of the City of Stamford in December 2009, plaintiff was appointed Interim Director of Operations; and then, in February 2010, plaintiff was appointed as Director of Operations, a cabinet level position which oversees the Operations Department of the City of Stamford.

10. When he became Director of Operations, plaintiff had worked for the City of Stamford for nearly 40 years and was widely respected and admired by those with whom he worked as a remarkably dedicated and effective City employee.

11. Defendant Joseph Tarzia, a long-serving member of the Board of Finance in the City of Stamford, became its Chairperson in December 2009.

12. The Board of Finance has the power to investigate and determine the fiscal policy of the City of Stamford; it does not have administrative responsibility for the City.

13. On or about March 10, 2010, a five day unpaid disciplinary suspension was imposed on an employee of the Operations Department, Anthony Vaccaro.

14. On or about March 11, 2010, defendant Tarzia met with plaintiff and another member of the Operations Department, Mickey Docimo.

15. Defendant Tarzia requested plaintiff and Docimo to ask Tania Barnes, a Human Resources Generalist in the City of Stamford, to reduce Vaccaro's discipline to a "slap on the wrist."

16. Plaintiff agreed to speak to Barnes on defendant Tarzia's behalf and, on or about March 12, 2010, relayed defendant Tarzia's request to Barnes. Barnes rebuffed the request to reduce Vaccaro's discipline.

17. On or about April 27, 2010, Barnes filed a complaint against defendant Tarzia with the Ethics Board of the City of Stamford. Barnes alleged that defendant Tarzia had improperly sought special treatment for Vaccaro based on political and personal considerations and that defendant Tarzia had begun a campaign of harassment and retaliation against her after she refused his request.

18. Shortly thereafter, defendant Tarzia called plaintiff, yelling hysterically that plaintiff had "thrown [him] under the bus."

19. When plaintiff asked what he was talking about, defendant Tarzia responded that plaintiff told Barnes that he – defendant Tarzia – asked plaintiff to request Barnes to reduce Vaccaro's discipline. Plaintiff responded that he had only done what defendant Tarzia had asked him to do.

20. Defendant Tarzia then threatened plaintiff stating "if I go down for this you're going down with me" and hung up.

21. Soon after, plaintiff heard from other City of Stamford employees that defendant Tarzia said he was going to hurt plaintiff's family – in particular, that he was going to spread false rumors that plaintiff was having affairs with two co-workers.

22. Immediately after he threatened plaintiff that he would bring him down, defendant Tarzia actively began seeking damaging information about plaintiff and started a campaign to harm him and damage his credibility.

23. For example, on or about June 10, 2010, Frank Fedeli, the Citizens Services Supervisor, contacted the Fleet Manager, Michael Scacco, and informed him that defendant Tarzia wanted his help in a "big investigation" that "was going to take Ernie Orgera and his team

down;" Fedeli told Scacco that he felt Scacco had information and wanted him to work closely with defendant Tarzia.

24. At the time this conversation occurred, defendant Tarzia began pushing for additional investigation into the possibility that Operations Department employees had stolen scrap metal from the City even though a police investigation conducted in April 2010 had found no criminality.

25. Defendant Tarzia pushed for a continuation of the scrap metal investigation in order to discredit plaintiff.

26. In July 2010, when plaintiff arranged, pursuant to long-standing practice, for a City dumpster to be delivered to the street where his administrative assistant lived so that she and her neighbors could do a bulky trash clean up, defendant Tarzia went door to door on the street questioning neighbors about the dumpster on or about the day after the dumpster was delivered and then alerted the newspaper and began an investigation.

27. During the dumpster investigation, on or about September 28, 2010, Tarzia made a thinly veiled reference at a public meeting to plaintiff's administrative assistant as plaintiff's "goomah," a colloquial expression meaning, according to the Urban Dictionary, a mafioso's mistress.

28. Defendant Tarzia made this comment in order to harm plaintiff and his family by falsely suggesting that plaintiff was having an affair.

29. On or about Friday July 23, 2010, plaintiff took the afternoon off to play golf at E. Gaynor Brennan, a City of Stamford public golf course.

30. Immediately after the weekend, on or about Monday July 26, 2010, defendant Tarzia went to the Brennan office to inspect the records for Friday to find out whether plaintiff had played without paying.

31. Not satisfied when he learned that plaintiff had paid for his round of golf,

defendant Tarzia then went to the government center to check plaintiff's personnel records which, contrary to what defendant Tarzia apparently hoped, reflected that plaintiff had properly accounted for his absence, taking a half vacation day on Friday, July 23, 2010.

32. On May 20, 2010, another ethics complaint was filed against defendant Tarzia by Michael Scacco.

33. Scacco claimed that defendant Tarzia had subjected him to a campaign of harassment and intimidation after he imposed discipline on James Fasoli, a friend and political ally of defendant Tarzia's.

34. Scacco's complaint stated that defendant Tarzia had asked plaintiff in December 2009 not to fire Fasoli and that, as a result, plaintiff had transferred Fasoli rather than fire him.

35. Thus, plaintiff was named in both the Barnes complaint and the Scacco complaint as a witness to defendant Tarzia's alleged ethical wrongdoing.

36. The Ethics Panel interviewed Barnes and Scacco, defendant Tarzia, and witnesses in the Barnes and Scacco matters, including plaintiff, and found probable cause for both the Barnes and Scacco complaints.

37. Hearings were scheduled to proceed on both complaints in mid-October 2010.

38. On October 7, 2010, defendant Joseph P. Sargent, the attorney who was representing defendant Tarzia in the ethics complaints, filed a Federal lawsuit [the Lawsuit] against the City of Stamford and the Board of Ethics on behalf of defendant Tarzia seeking declaratory and injunctive relief to prevent the ethics hearings from going forward.

39. Plaintiff, Mickey Docimo, Tania Barnes and Michael Scacco were also named as defendants in the lawsuit.

40. The lawsuit sought money damages from plaintiff under 42 U.S.C. § 1983 and attorneys fees and costs of suit under 42 U.S.C. § 1988.

41. Defendants Tarzia and Sargent alleged in Count I that plaintiff conspired with

Mickey Docimo and Tania Barnes to have Barnes file an ethics complaint against defendant Tarzia and, in Count II, that plaintiff conspired with Michael Scacco to have Scacco file an ethics complaint against defendant Tarzia.

42. Defendants had no factual basis for making these allegations against plaintiff.

43. Defendants had no legal basis for bringing this lawsuit against plaintiff.

44. Plaintiff did not conspire with Barnes or Docimo to have Barnes file an ethics complaint against Tarzia, nor did Barnes consult with plaintiff about her decision to file an ethics complaint.

45. Plaintiff did not conspire with Scacco to have Scacco file an ethics complaint against Tarzia, nor did Scacco consult with plaintiff about Scacco's decision to file an ethics complaint.

46. Plaintiff had no involvement except as a witness in both complaints.

47. Both complaints identified plaintiff as a person defendant Tarzia approached about reducing or forestalling discipline which had been or was about to be imposed on a City employee – *i.e.*, Anthony Vaccaro in the Barnes complaint and James Fasoli in the Scacco complaint.

48. Defendants filed the Lawsuit – and released it to the press – in order to intimidate plaintiff and to retaliate against him for being a witness in the Barnes and Scacco complaints and to impede him from testifying at the ethics hearings and, failing that, in order to discredit his anticipated testimony.

49. However, defendants did not serve the Lawsuit on plaintiff when it was filed.

50. On October 7, 2010, defendants filed an affidavit in the Lawsuit in support of their motion to enjoin the ethics hearings which was executed on October 6, 2010 by defendant Tarzia.

51. In the affidavit, defendant Tarzia falsely stated under oath – in direct contradiction

of the testimony plaintiff anticipated giving at the ethics hearings – that “I deny ... that I ever spoke with Mr. Orgera concerning Mr. Vaccaro” [¶ 25] and that “I never spoke to Mr. Orgera with respect to Mr. Fasoli” [¶ 17].

52. Defendants’ motion to enjoin the ethics hearings was denied and the Ethics Panel began hearing the Barnes complaint on October 19, 2010.

53. The hearing did not conclude on October 19th and was continued on January 10, 2011.

54. Only Barnes testified on the first two days of the hearing.

55. When the hearing continued on January 24, 2011, plaintiff testified that defendant Tarzia had requested him and Docimo to ask Barnes to reduce the discipline which had been imposed on Vaccaro to a “slap on the wrist,” that plaintiff then made this request to Barnes which she rebuffed, and that defendant Tarzia threatened him when he learned about Barnes’ complaint.

56. Plaintiff also testified that he informed the Mayor contemporaneously about his request to Barnes and the fact that he had made the request in response to defendant Tarzia’s request to him because he felt “uncomfortable” about it.

57. Plaintiff’s testimony that defendant Tarzia requested him to ask Barnes to reduce the discipline on Vaccaro provided significant corroboration for Barnes’ complaint and directly contradicted the sworn statement that defendant Tarzia had filed in the Lawsuit.

58. Defendant Tarzia retaliated against plaintiff for testifying by serving the Lawsuit Summons on him on January 31, 2011 and returning it to court on February 3, 2011.

59. On February 14, 2011, when the ethics hearing continued, defendant Tarzia testified that he had not spoken with plaintiff about Vaccaro because he did not even know until the Barnes complaint was served on him that Vaccaro had been disciplined.

60. Defendant Tarzia’s testimony was false.

61. Plaintiff's testimony was corroborated by the other witnesses who testified at the ethics hearing – *i.e.*, Barnes, Mayor Michael Pavia, and Assistant Director of Human Resources Robert Murray.

62. In addition, plaintiff's testimony was corroborated in statements issued by other City officials who had knowledge of defendant Tarzia's interest in Vaccaro's discipline, including Docimo.

63. Once his false testimony had been refuted not only by plaintiff but also by others, defendant Tarzia resigned from his position as Chairperson of the Board of Finance on February 18, 2011.

64. After defendant Tarzia resigned, the Barnes complaint was withdrawn.

65. On March 2, 2011, the Lawsuit was dismissed with prejudice after a Stipulation of Voluntary Dismissal was filed on February 28, 2011.

66. By bringing and pursuing this baseless and malicious Lawsuit against plaintiff, defendants inflicted emotional distress and anxiety on plaintiff and caused him to fear for his reputation in the community for truthfulness and honesty.

COUNT ONE [Vexatious Suit under C.G.S. § 52-568]

1-66. Paragraphs 1-66 are hereby incorporated and made paragraphs 1-66 of Count One.

67. Defendants instituted the Lawsuit against plaintiff on or about October 7, 2010 without legal justification or probable cause.

68. Defendant Tarzia instituted the Lawsuit against plaintiff with malicious intent.

69. The Lawsuit terminated in plaintiff's favor on or about March 2, 2011.

70. Defendant Sargent is liable to plaintiff pursuant to C.G.S. § 52-568(1) for commencing and prosecuting a civil action against plaintiff without probable cause.

71. Defendant Tarzia is liable to plaintiff pursuant to C.G.S. § 52-568(2) for commencing and prosecuting a civil action against plaintiff without probable cause and with

malicious intent to vex and trouble plaintiff.

COUNT TWO [Common Law Vexatious Suit]

1-66. Paragraphs 1-66 are hereby incorporated and made paragraphs 1-66 of Count Two.

67. Defendants instituted the Lawsuit against plaintiff on or about October 7, 2010 with malice and without legal justification or probable cause.

68. The Lawsuit terminated in plaintiff's favor on or about March 2, 2011.

COUNT THREE [Abuse of Process]

1-66. Paragraphs 1-66 are hereby incorporated and made paragraphs 1-66 of Count Three.

67. Defendant Tarzia commenced and prosecuted the Lawsuit against plaintiff for the primary and improper purpose of retaliating against him for being a witness in the Barnes and Scacco ethics complaints and/or impeding his ability to testify and/or discrediting his testimony as a witness in the Barnes and Scacco ethics complaints.

... PRAYER FOR RELIEF

WHEREFORE, plaintiff claims:

1. Damages, including compensatory and punitive damages;
2. Treble Damages against defendant Tarzia pursuant to C.G.S. § 52-568(2);
3. Double Damages against defendant Sargent pursuant to C.G.S. § 52-568(1);
4. Such other relief as the court may deem appropriate.

Dated at Stamford, Connecticut this 19th day of July, 2011.

THE PLAINTIFF, ERNIE ORGERA

BY: 

KATHRYN EMMETT
EMMETT & GLANDER
Juris No. 401963
45 Franklin Street
Stamford, CT 06901
(203) 324-7744
kemmett@emmettandglander.com

RETURN DATE: AUGUST 16, 2011

ERNIE ORGERA	:	SUPERIOR COURT
V.	:	J.D. OF STAMFORD/NORWALK
JOSEPH TARZIA	:	AT STAMFORD
and	:	
JOSEPH P. SARGENT	:	JULY 19, 2011

CLAIM FOR RELIEF

The plaintiff claims monetary damages against the defendants in excess of FIFTEEN THOUSAND (\$15,000.00) DOLLARS, together with the costs of this action.

THE PLAINTIFF, ERNIE ORGERA

BY: _____



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